

REMARKS

I. General

Claims 1-20 are pending, and all are rejected by the current Office Action, mailed May 17, 2004. Claim 12 is currently amended. The issues in the current Office Action are:

- Claims 10, 11, 17, and 20 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.
- Claims 1-20 are rejected under 35 U.S.C. § 102(b) as being anticipated by “Smart Internet Usage: Installation and Configuration Guide,” November 1999 (hereinafter, *SIU*).

Applicant hereby traverses the outstanding rejections and requests reconsideration and withdrawal in light of the remarks and amendments contained herein.

II. Claim Rejections Under 35 U.S.C. § 112

On page 2 of the Office Action, claims 10-11, 17, and 20 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Specifically, claims 10, 17, and 20 are rejected for use of the term, “substantial,” and claim 11 is rejected for use of the term, “in proximity.” Applicant believes such terms are clear when read in view of the specification. For example, while the specification does not use the term, “substantial,” it does describe embodiments that conform to the limitations of claims 10, 17, and 20. See, for example, page 12, last paragraph, of the specification, which recites:

“Accordingly, the illustrated embodiment of improved data collector wizard 200 displays customization option screen 300G in response to an operator’s acknowledgment of completion of creating a desired data collector.”

One of skill in the art would be able to read the specification and claims 10, 17, and 20 and understand the scope of the invention based, at least, on the above-quoted passage. See M.P.E.P. §2173.05(b).

Further, while the specification does not use the phrase, “in proximity to,” one of skill in the art would be able to understand the scope of the claim when read in light of the specification. For instance, see page 15, second paragraph, of the specification, which recites:

“Accordingly, an embodiment of the present invention may provide information with respect to completing configuration of various attributes of a software object where a corresponding aspect is initially selected. For example, the present invention may provide information with respect to configuring an encapsulator in association with a select encapsulator screen, such as providing information and an external process link button on select encapsulator screen 300C or providing a screen with information and an external process link button on a screen following select encapsulator screen 300C.”

One of skill in the art would be able to read this passage from the specification and be able to understand the scope of the claim. See M.P.E.P. §2173.05(b). Accordingly, Applicant believes that such terms are clear when read in view of the specification.

Moreover, although the terms, “substantial,” and “in proximity to,” are not expressly used in the specification, the claimed subject matter is part of the disclosure and may be properly relied upon as such. M.P.E.P. §608.01(I) states that the Applicant may rely on the original claims to establish a disclosure if their content justifies it. The original claims recite the terms, “substantial,” and “in proximity to,” and their subject matter, when taken with the written description and drawings, is not indefinite. Thus, Applicant respectfully submits that claims 10, 11, 17, and 20 satisfy the requirements of 35 U.S.C. § 112, second paragraph. Applicant respectfully requests removal of the rejection.

III. Claim Rejections Under 35 U.S.C. § 102

On pages 2-6 of the Office Action, claims 1-20 are rejected under 35 U.S.C. § 102(b) as being anticipated by *SIU*.

A. Claims 1-11

To anticipate a claim under 35 U.S.C. § 102, a reference must teach every element of the claim, see M.P.E.P. § 2131. Moreover, in order for a prior art reference to be anticipatory

under 35 U.S.C. § 102 with respect to a claim, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim,” see M.P.E.P. § 2131, citing *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989).

Claim 1 recites, in part, “an information communication link to a software object editor, said link providing information with respect to said software object created by said software object creation process.” *SIU* does not teach the above-quoted feature of claim 1. The Office Action relies upon the configuration server disclosed at pages 16-17 and 51-52 of *SIU* as teaching the feature; however, the configuration server is not the same as a software object editor.

Moreover, the disclosure of *SIU* cannot be read to cover the present claims. Pages 16-17 of *SIU* teach part of a creation process, wherein the type of collector to be created is selected. Thus, the first passage teaches a creation process, not a “communication link to a software object editor.” While the passage teaches contacting a configuration server, that contact is not the same as “an information communication link to a software object editor,” as claim 1 recites, because the configuration server is not a software object editor. It should be noted that while the configuration server has the word, “configuration” in its name, it is not an editor, but rather, is a utility that allows access to a wide variety of programs for setting up a Smart Internet Usage program. See the diagram on page 50 of *SIU*, which depicts various programs that may be accessed through the configuration server but does not depict the configuration server as a software object editor. Further, *SIU* does not teach that the configuration server performs software object editor functions. Thus, the first cited passage of *SIU* does not teach the above-quoted feature of claim 1.

The second cited passage (pages 51-52) teaches contacting the configuration server from a variety of programs, which is not the same as “an information communication link to a software object editor,” as claim 1 recites. As explained above, contacting the configuration server is not the same as the above-quoted feature of claim 1 because the configuration server is not, itself, a software object editor. Thus, the second cited passage does not teach the above-quoted feature of claim 1. Accordingly, *SIU* does not teach or suggest, “an information communication link to a software object editor, said link providing

information with respect to said software object created by said software object creation process,” as claim 1 recites.

Dependent claims 2-11 each depend either directly or indirectly from independent claim 1 and, thus, inherit all of the limitations of independent claim 1. Thus, *SIU* does not teach or suggest all claim limitations of claims 2-11. It is respectfully submitted that dependent claims 2-11 are allowable at least because of their dependence from claim 1 for the reasons discussed above. Accordingly, Applicant respectfully requests removal of the rejection of claims 1-11.

B. Claims 12-15 and 17-19

Amended claim 12 recites, in part, “providing information to said user with respect to configuring selected ones of said attributes of said software object through use of a user interface tool providing said guidance to said user.” *SIU* does not teach the above-quoted feature of claim 12. See p. 28 of *SIU*, which depicts a “FINISHED” screen that provides a user with several choices. The passage teaches that a user may make configuration changes by launching the GUI; however, there is no indication that information is provided to a user “with respect to configuring selected ones of said attributes” because there is nothing presented to the user to explain why he would want to launch the GUI nor to explain what he would need to do to configure attributes. Thus, *SIU* does not teach “providing information to said user with respect to configuring selected ones of said attributes of said software object through use of a user interface tool providing said guidance to said user,” as recited by amended claim 12.

Dependent claims 13-15 and 17-19 each depend either directly or indirectly from independent claim 12 and, thus, inherit all of the limitations of independent claim 12. Thus, *SIU* does not teach or suggest all claim limitations of claims 13-15 and 17-19. It is respectfully submitted that dependent claims 13-15 and 17-19 are allowable at least because of their dependence from claim 12 for the reasons discussed above.

C. Claim 20**1. Failure to address all claim limitations**

On page 6 of the Office Action, claim 20 is rejected “for the reason set forth in the rejection of claims 1-11;” however, this rejection does not address all limitations of claim 20. The Examiner is directed that “[i]n accordance with the patent statute, ‘Whenever, on examination, any claim for a patent is rejected , or any objection . . . made’, notification of the reasons for rejection and/or objection together with such information and references as may be useful in judging the propriety of continuing the prosecution (35 U.S.C. 132) should be given.” See M.P.E.P. § 707. Further, the Examiner should “clearly articulate any rejection early in the prosecution process so that the applicant has the opportunity to provide evidence of patentability and otherwise respond completely at the earliest opportunity.” See M.P.E.P. §706. Claim 20 contains limitations not found in claims 1-11, such as, for example, “a data collector configuration option process operable after completion of said data collector creation process.” Applicants respectfully assert that the rejection does not address, at least, the above-quoted feature of claim 20. Accordingly, the rejection does not give proper notification of the reasons for rejection, nor does it clearly articulate the rejection, as set forth in M.P.E.P. §707 and 706, respectively. Thus, Applicants respectfully point out that the rejection of claim 20 does not comport with Office policy. Applicants, therefore, request that the Examiner set forth the grounds for rejection with respect to claim 20 in order that Applicants may have a full and fair opportunity to explore the patentability of this claim.

2. Failure to teach all claim elements

Further, claim 20 recites, in part, “wherein said data collector configuration option process also includes a user selectable option to repeat operation of said data collector creation process.” The Office Action cites pages 16-17 of *SIU* as teaching the above-quoted feature of claim 20. However, the cited passage does not teach the feature. Pages 16-17 recite, “Also from this screen, besides starting to create a new collector, you have the option of controlling an existing one.” Thus, the passage teaches beginning the creation process and controlling an already-created collector, but it does not teach “a user selectable option to repeat operation of said data collector creation process” because it does not teach that the screen on page 16 is displayed in response to a previous creation process. In other words,

while a user may begin a creation process, the passage does not teach that it is a "repeat operation." Accordingly, *SIU* does not teach, "wherein said data collector configuration option process also includes a user selectable option to repeat operation of said data collector creation process," as recited by claim 20. Therefore, Applicant respectfully requests removal of the rejection of claim 20.

IV. Conclusion

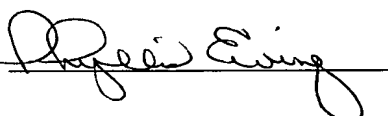
In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 08-2025, under Order No. 10012513-1 from which the undersigned is authorized to draw.

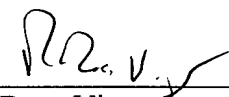
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Date of Deposit: August 17, 2004

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